



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2001

Lee Sim
Division of Water Rights
Utah Department of Natural Resources
PO Box 146300
Salt Lake City, UT 84114-6300

RECEIVED
JUL 06 2001
WATER RIGHTS
SALT LAKE

Re: Water Distribution on Clear Creek

Dear Lee,

I appreciate your call to me on June 13 in response to my correspondence dated June 6, 2001. I also appreciate your cooperation in discussing the interstate water distribution problems that were raised by the Idaho watermaster, Dave Sundberg. Specifically, you acknowledged that the Utah Clear Creek water commissioner failed to post the Clear Creek measurements at the Naf store as required by the protocol agreed upon by the two states. This failure to follow established protocol is of particular concern to IDWR and the Idaho Clear Creek water users.

It is my understanding based on our discussion that you agreed to take the following steps to address the concerns raised in my letter. These steps are:

- 1) Contact the Utah commissioner, Vern Kempton, to discuss the problem of not posting Clear Creek flows, as well as discuss any ongoing communication problems that exist between Mr. Kempton and Mr. Sundberg.
- 2) Obtain and review the data from the continuous recorder at the Clear Creek gage in Utah, along with any rating table or discharge and staff gage measurements made by your staff, to determine whether water was timely turned to Idaho.
- 3) Share all data and any analysis of data from the Clear Creek gage with IDWR.

We agreed that the meeting proposed by my last correspondence should be postponed pending the findings that result by implementing the steps outlined above. I recently discussed this decision with Mr. Jay Harper, advisory committee chairman of the Upper Raft River Water District. Mr. Harper and I agree that representatives from the two states may still need to meet this year to resolve the ongoing interstate distribution and communication problems between the Utah commissioner and Idaho watermaster. Such a meeting and resolution must take place well in advance of the annual Upper Raft River Water District meeting that is scheduled in January 2002. Therefore, IDWR respectfully requests that the steps outlined above be completed before October 1, 2001. Additionally IDWR asks that you identify any corrective actions or steps that you may take regarding the failure of the Utah commissioner to post the Clear Creek flows at the Naf store. IDWR will request that Mr. Sundberg complete his distribution report by October 1. Upon request, IDWR will make this report and any other pertinent information available to you.

Thanks once again for your cooperation. If necessary, please contact me directly at 208-327-7864 to discuss this issue further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

Tim Luke

Water Distribution Section

Cc: Dave Sundberg, Watermaster
Allen Merritt, IDWR Southern Region Manager
Bob Fotheringham, UDWR Regional Manager
Water District 43-B Advisory Committee

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